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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,163	05/18/2006	Adam Galas	15347.01US1	7955
25541 7590 10/14/2008 NEAL, GERBER, & EISENBERG SUITE 2200 2 NORTH LASALLE STREET CHICAGO, IL 60602			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 10/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,163	Applicant(s) GALAS, ADAM	
	Examiner JESSICA LAUX	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Samuels (6191363).

1. Samuels discloses a skirting board comprising:

a base profile (11), the base profile comprising a receiving portion (34, 35) and a deflecting arm (18); and

a guard profile (26), the guard profile comprising a protruding portion (37) that interfaces with the receiving portion of the base profile and a curved portion (33,29); wherein the guard profile combines with the base profile to provide at least one open space (as seen in figures 1-2); and wherein the deflecting arm and the curved portion combine to provide a surface used to finish a corner produced by a floor and a wall (as seen in figure 1).

2. The skirting board of Claim 1, wherein the receiving portion comprises at least one surface (generally at 36) adapted to receive the guard profile.

3. The skirting board of Claim 2, wherein the protruding portion comprises at least one interface portion (38) adapted to interface with one oblique surface (where elements 36 create oblique surfaces).

4. The skirting board of claim 3, wherein the open space is adapted to receive a cable (as seen in figure 2).

5. The skirting board of Claim 3, wherein the base profile further comprises a plurality of openings (16), for attachment of the base profile to the wall.

7. The skirting board of Claim 1, wherein the arm of the base profile is swept out at its outer end (generally at 19).

8. The skirting board of Claim 1, wherein the base profile is provided with a series of ports (as seen in figures 1-2).

6 (as best understood). Samuels discloses a skirting board comprising an open base profile (11) and fastened in it by means of two webs guard profile (34,35),

wherein the guard profile (26) is provided with a long arm (37) and short arm (31) being bended and archway connected with it, and an open base profile is trapezoidal shaped in cross-sectional view (as seen at 36), wherein the profile has narrowing at the outer edge being limited with two oblique surfaces, and an outwardly deflected arm, whereas the long arm of the guard profile is placed in one line with the arm of the profile and is its extension (as seen in figure 1), wherein the long arm is

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provided on the inner side with two deviated settlement webs (38), having bulges on the outer walls, interrelated to the shaped edges of the profile.

9 (as best understood). Samuels discloses a skirting system and more particularly a skirting board system, comprising

a longitudinal skirting and joint elements, wherein the longitudinal skirting consists of two separately connected longitudinal elements (11, 26), and the joint elements (34, 35, 37) are provided on the inner side with projections (36, 38), characterized in that a lower section (11) having an expansion channel and a lower profile arm (20) is one of the longitudinal elements of the skirting, and a guard (26) provided with click webs (38) and an upper guard arm (31) is the second longitudinal element, as well as that the click webs of each joint element in form of an inner corner element and of an outer corner element are clickway connected to the walls of expansion channels of lower sections of the longitudinal skirting (as seen in figures 1,3), wherein pairs of horizontally located click webs of the inner corner element and pairs of horizontally located click webs of the outer corner element are fixed on the same level, corresponding with the level on which a longitudinal gap of the expansion channel is located.

10. The skirting system of Claim 9, characterized in that two horizontal longitudinal click webs located in the lower part of a guard on its inner side, are fixed on different levels (as seen at 36 of figure 2), wherein each of these webs is in the terminal part appropriate downwardly- and upwardly-deflected and has an arched tailpiece.

11. The skirting system of Claim 9, characterized in that the longitudinal lower profile arm is attached to a lower output edge of the expansion channel (as seen in the figures).

12. The skirting system of Claim 11, characterized in that the arm is archway bended and outwardly deflected (as seen in the figures).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Richard E. Chilcot, Jr./

Supervisory Patent Examiner, Art Unit 3635

/J. L./

Examiner, Art Unit 3635